

BEFORE
THE PUBLIC SERVICE COMMISSION OF
SOUTH CAROLINA
DOCKET NO. 2004-78-C - ORDER NO. 2004-200
APRIL 15, 2004

IN RE: Petition of US LEC of South Carolina, Inc.)	ORDER ESTABLISHING
for Arbitration of an Amendment to an)	ARBITRATION PLAN
Interconnection Agreement with BellSouth)	AND SCHEDULE ✓
Telecommunications, Inc. Pursuant to Section)	
252(b) of the Communications Act of 1934,)	
as amended.)	

This matter comes before the Public Service Commission of South Carolina ("Commission") on a Petition for Arbitration filed by US LEC of South Carolina, Inc. ("US LEC") on March 16, 2004, involving US LEC and BellSouth Telecommunications, Inc. ("BellSouth") (collectively referred to as the "Parties"). The Petition was filed pursuant to Section 252(b) of the Communications Act of 1934, as amended by the Telecommunications Act of 1996 ("1996 Act"). By its Petition, US LEC requests the Commission to arbitrate certain unresolved issues arising out of negotiations to amend the interconnection agreement between US LEC and BellSouth. Additionally, US LEC requests the Commission to issue a procedural order establishing a schedule for discovery, prefiled testimony, a prehearing conference, a hearing, and such other processes as the Commission deems necessary.

Section 252 (b)(4)(C) of the Telecommunications Act of 1996 requires that a state commission hear and rule on a petition for arbitration no later than 9 months after the date on which the local exchange carrier received the request for negotiation. In its

Petition, US LEC asserts that commencement of negotiations in the present proceeding was formally requested on October 8, 2003. We must therefore hear and rule on this matter on or before July 8, 2004. Accordingly, we will rule on various procedural matters connected with this case in this Order and establish an Arbitration Plan.

The Arbitration Hearing in this Docket shall begin at **2:30 p.m. on Tuesday, May 18, 2004**, in the Commission Hearing Room.

The Commission hereby orders that twenty-five (25) copies of the direct testimony and exhibits of US LEC shall be prefiled on or before **April 22, 2004**. Further, twenty-five (25) copies of the direct testimony and exhibits of BellSouth shall be prefiled on or before **May 4, 2004**.

US LEC shall prefile any rebuttal testimony and exhibits on or before **May 11, 2004**. Further, BellSouth shall prefile any surrebuttal testimony and exhibits on or before **May 13, 2004**. It should be noted that acceptance of surrebuttal testimony and exhibits is subject to the discretion of the Commission.

The Parties shall file prehearing briefs with the Commission on or before **May 11, 2004**.

The parties shall serve the other parties with copies of all prefiled testimony and exhibits as well as with copies of the prehearing briefs. **Service on the parties and the Commission of the prefiled testimony and exhibits and the prehearing briefs shall be made by the close of business on the dates herein specified with such prefiled testimony and exhibits and prehearing briefs being delivered to the Commission and the opposing party by the close of business on the dates herein specified. If actual,**

physical service cannot be accomplished on the dates indicated herein, service may be accomplished by facsimile transmission or e-mail transmission of the prefiled testimony and exhibits and prehearing briefs by the close of business on the dates specified, with over-night delivery to follow.

All parties are reminded that all witnesses must be present during the hearing in this matter at the call of the Chairman, or the Commission may decline to allow the witnesses' testimony to be read into the record of the proceeding and/or may decline to allow the witnesses' exhibits to be entered into the evidence of the case.

Opening statements of the parties and any participants will be allowed at the beginning of the hearing. Closing statements of the parties and any participants will be allowed at the conclusion of the hearing.

Direct testimony and exhibits, as well as rebuttal and surrebuttal testimony and exhibits, of the parties' witnesses shall be presented to the Arbitrator in a panel format, with all witnesses being sworn in concurrently. Examination of witnesses will proceed issue by issue, with all witnesses on an issue being examined by both parties before proceeding to the next issue. Examination of the witnesses shall be conducted by attorneys for the Parties. The examination may be directed to specific witnesses or to the entire panel of witnesses. Responses by other witnesses, other than the witness or witnesses to whom the question is directed, may be allowed at the discretion of the Chairman.

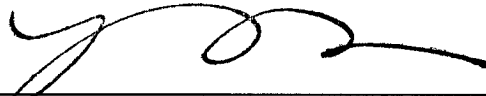
Please note that any party requesting modification of this schedule must file a request for such modification with the Commission.

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This Order shall remain in full force and effect until further Order of the Commission.

BY ORDER OF THE COMMISSION:



Mignon L. Clyburn, Chairman

ATTEST:



Bruce F. Duke, Executive Director

(SEAL)